

AO 455 (Rev. 5/85) Waiver of Indictment

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

NOV 13 2007

UNITED STATES OF AMERICA

**WAIVER OF INDICTMENT**

v.

BENJAMIN GARCIA-MONTOYA

CASE NUMBER: 07 MJ 2440  
07 CR 3060-WQH

I, BENJAMIN GARCIA-MONTOYA, the above-named defendant, who is accused of committing the following offenses:

Importation of Cocaine and Aiding and Abetting, in violation of Title 21, United States Code, Sections 952 and 960 and Title 18, United States Code, Section 2 (Felony).

being advised of the nature of the charges, the proposed information, and of my rights, hereby waive in open court on 11-13-07 prosecution by indictment and consent that the proceeding may be by information rather than by indictment.

11-07-07

Defendant  
Benjamin Garcia Montoya  
T. B. S.  
 Defense Counsel

Before U. M. L. J.  
 Judicial Officer